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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14  
15 ANGEL JAMES MENDEZ, ) CASE NO. C 03 4485 PJH  
16 )  
17 Plaintiff, ) STIPULATION FOR PARTIAL  
18 ) DISMISSAL WITH PREJUDICE  
19 vs. ) AND ORDER THEREON  
20 )  
21 COUNTY OF ALAMEDA, a municipal )  
corporation; DEPUTY J. RUSSELL; )  
DEPUTY DEREK MEZA )  
DOES 1-100, inclusive, )  
22 Defendants. )  
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1           THE PARTIES, BY AND THROUGH THEIR ATTORNEYS OF RECORD, DO  
2       HEREBY AGREE AND STIPULATE TO:

3           The partial dismissal with prejudice of plaintiff's  
4       claims arising from the incident alleged in plaintiff's First  
5       Amended Complaint which occurred on or about February 13,  
6       2004. Each party shall bear its own attorneys' fees and costs  
7       with respect to said claims.

8           IT IS FURTHER AGREED AND STIPULATED THAT this stipulation  
9       is not intended to affect in any way whatsoever the other  
10       claims and/or defenses of any party with respect to the  
11       matters alleged in the First Amended Complaint. Specifically,  
12       plaintiff intends to proceed to trial on all remaining claims  
13       for relief other than those arising specifically from the  
14       incident which occurred on or about February 13, 2004. This  
15       includes, but is not limited to, all claims plaintiff has  
16       arising from the incident of October 10, 2002.

18           IT IS FURTHER STIPULATED AND AGREED THAT this partial  
19       dismissal shall not be used for any purpose at trial and shall  
20       not constitute admissible evidence in this or any other action  
21       other than in a proceeding to enforce the provisions of this  
22       stipulation and order.

23           IT IS FURTHER AGREED AND STIPULATED THAT neither party  
24       shall offer or attempt to offer any evidence at trial or in  
25       any other proceeding concerning the incident which occurred on  
26       or about February 13, 2004, including, but not limited to,

1 evidence relating to the events leading to and/or following  
2 the plaintiff's arrest by defendant Russell on or about  
3 February 13, 2004.

4 IT IS SO STIPULATED

5 Dated: December 6, 2005

6 \_\_\_\_\_/s/  
7 JAMES B. CHANIN  
8 Attorney for Plaintiff

9 Dated: December 9, 2005

10 \_\_\_\_\_/s/  
11 CLYDE A. THOMPSON  
12 Attorney for Defendants

13 PURSUANT TO STIPULATION

14 IT IS SO ORDERED:

15 Dated: December 13, 2005

16   
17 PHYLIS J. HAMILTON  
18 JUDGE OF THE UNITED STATES  
19 DISTRICT COURT